

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
JULY 21, 2010
5:30 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Sam Norris, Pastor of Stone Ridge Church, gave the invocation. **McClendon** led the City Council in the pledge of allegiance.

Motion (Stuart/McClendon): To allow City Councilmember Beeson to participate in the Regular City Council Meeting of July 21, 2010 through telephonic communication. Roll call vote: adopted 6-0.

ROLL CALL

Councilmembers Present: Stuart, Mendoza, Beeson (present via telephone connection), McClendon, Brooks-Gurrola, Johnson and Mayor Krieger
Councilmembers Absent: none
Staffmembers Present: City Administrator, Greg Wilkinson
Principal Planner, Jennifer Albers
Various Department Heads or their representative
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Krieger made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS

Mayor Krieger commended Zarmina Moody for successfully fending off an attempted robbery at a local grocery; it is important for individuals to realize they can have the presence of mind to defend themselves. **Moody** displayed the 36" Turkish scimitar she used to challenge the robber. **Mayor Krieger** presented Moody with the Mayor's Award for Bravery in Self Defense, a trophy.

I. CALL TO THE PUBLIC

Sister Betty Adams, 690 E. 32nd Street, introduced herself as the new Executive Director of Catholic Community Services and expressed her anticipation of working cooperatively with City officials.

Shereen Khan-Guinn, 560 E. Palo Verde, stated that Mayor Krieger's comments to her at the meeting involving Senator McCain and the Regular City Council Meeting on June 16, 2010 were wrong and untrue. The past City Administrator and the City Attorney have claimed many times that the her claims have been investigated by the Yuma Police Department, the Federal Bureau of Investigations and the State Attorney General, but that, too, is untrue. It has cost her and her husband hundreds of thousands of dollars to defend themselves. Local corruption is continuing. She accused the City Attorney of lying. **Wilkinson** asked Guinn to refrain from personal accusations; this is not the purpose

of the Call to the Public. **Guinn** took Wilkinson's effort to end her comments as further evidence of a cover-up. She presented corroborating documents to the City Clerk. **Wilkinson:** The Yuma Police Department conducted the initial investigation and a follow-up investigation. The Yuma County Sheriff's Office and the Attorney General also conducted investigations. All of the investigations resulted in the same findings. City staff is not lying. He (Wilkinson) personally confirmed that everything in the case file has been reviewed by Guinn on multiple occasions; the City has done everything possible to comply with Guinn's requests.

II. MOTION CONSENT AGENDA

Motion (Mendoza/Stuart): To adopt the Motion Consent Agenda as recommended with the exception of items B.4, B.15 and B.16, which were removed by Mayor Krieger for separate consideration. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meetings:

Special Council Meeting	March 23, 2010
Regular Council Meeting	April 7, 2010
Regular Council Meeting	April 21, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Authorize a 6-month contract extension to the fifth and final year of RFP #2005000351 - Professional Consulting Services for Planning, Design, and other Related Services for the Yuma East Wetlands Restoration and Similar Projects on a Delivery Order Basis to: Fred Philips Consulting LLC, Flagstaff, Arizona. (2005000351) (Eng/Admin)
3. Award bid to DPE Construction Inc., Yuma, Arizona for *Traffic Signal Installation: 8th Street & 14th Avenue* at a total cost of \$86,461.21 to. (2010000439) (Eng/Admin)
4. Removed for separate consideration; see below.
5. Authorize the purchase of Information Technology Products and Services utilizing any one of the below listed cooperative purchase agreements, at an estimated amount of \$2,730,816.00 (excluding tax) to:
 1. Mohave Educational Services Cooperative
 2. State of Arizona
 3. The Cooperative Purchasing Networks (TCPN)
 4. US Communities
 5. Western States Contracting Alliance (WSCA)City anticipates spending \$1,930,816.00 for computer hardware/software, communications equipment and technical and training services plus potential grant purchases estimated at

\$800,000.00 in support of the Yuma Regional Communications Systems. (2011000005) (ITS)

6. Award to sole responsive/responsible bidder, Phoenix Highway Products, Inc., Phoenix, Arizona a one-year contract with the option to renew four additional one-year periods, one period at a time, for Wireless Battery Powered Magnetometer Vehicle Detection System at an estimated cost of \$56,384.00. (2010000323) (Eng/Traffic)
7. Accept donation of bronze bust from Mexican Consulate (P&R/Admin)
8. Authorize the execution of an agreement between Catholic Community Services in Western Arizona - Safe House Program providing funding by the City of Yuma for Fiscal Year 2010-2011 in the amount of \$15,500.00 and setting performance standards for Catholic Community Services Safe House Program. (YPD/Admin)
9. Authorize the execution of an agreement between Crossroads Mission and the City of Yuma providing for Fiscal Year 2010-2011 funding by the City of Yuma in the amount of \$27,000.00, and setting performance standards for Crossroads Mission. (YPD/Admin)
10. Authorize the execution of an agreement between Yuma County Family Advocacy Coalition Inc., dba Amberly's Place, and the City of Yuma providing for Fiscal Year 2010-2011 funding in the amount of \$41,580.00, and setting performance standards for Yuma County Family Advocacy Coalition Inc., dba Amberly's Place. (YPD/Admin)
11. Authorize the execution of an intergovernmental agreement between Crane School District and the City of Yuma for the use of Desert Sun Stadium for emergency relocation of students on a temporary basis. (P&R/Admin)
12. Authorize the execution of an agreement between Harvest Preparatory Academy and the City of Yuma for the use of Joe Henry Optimist Park for physical education classes. (P&R/Admin)
13. Authorize the execution of an agreement between Harvest Preparatory Academy and the City of Yuma for the use of Desert Sun Stadium for emergency relocation of students on a temporary basis. (P&R/Admin)
14. Authorize City staff to enter into an agreement with the Arizona Department of Homeland Security and Yuma Police Department for reimbursement of funds expended for the purchase of equipment in support of Operation Stonegarden. (Police/Patrol) (Jerry Geier)
15. Removed for separate consideration; see below.
16. Removed for separate consideration; see below.

Motion Consent Agenda Items Removed For Separate Consideration

Mayor Krieger brought forth item B.16 for discussion.

- B.16. Discussion and possible action on a location site for the City of Yuma's historic airplane, the *City of Yuma*, which completed the Flight of Endurance in 1949. (Admin)

Speakers

Captain Staci Reidinger, Marine Corps Air Station – Yuma (MCAS), Public Affairs Officer and Historical Officer, encouraged the City Council to find an appropriate place to house this plane. From her experience working with the Flying Leatherneck Aviation museum in Miramar, California, she can attest to the need to preserve historic relics. Yuma was experiencing economic hard times in 1946, when the plane flew because of the closure of the Yuma Army Air Field. The *City of Yuma* plane carried a slogan that read: *The City with a Future* – a fitting slogan even for today. The plane was instrumental in showing military officials that Yuma is a premier location for uninterrupted training. The age and condition of the airplane warrant its preservation.

Bob Kammann, 2620 W. 24th Street, stated that as a four-year-old he rode in the Buick that refueled the plane. The betteryuma.org organization supports the proposal to house the plane in the lobby of City Hall. Many people have expressed their willingness to donate time, energy and money to implement the idea; it won't cost the City anything.

Mike Shelton, 2681 S. Virginia Drive, #8, recalled that in 1999, promoters of the event's 50th anniversary approached and asked that he write an application for the event to be included in the Millennial Communities Program, hosted by Hilary Clinton. He put the Flight of Endurance story into a narrative for a national audience. The City of Yuma Flight of Endurance was accepted into the program. The Mayor proclaimed October, 1999 as the City of Yuma Endurance Flight month. Because of this involvement, he learned about the significance of the event – a truly American achievement. The *City of Yuma* airplane is a national treasure – not just a local treasure – and should be appreciated as such. If this can be done in an architecturally sound, fiscally smart and aesthetically beautiful manner, it will be intellectually and emotionally satisfying to display the plane, with all its interpretive elements, and celebrate not only the event, but the personalities surrounding it.

McClendon suggested that the lobby of City Hall should be the last alternative. The plane is a valuable piece of history and needs to be displayed, but the City Council should take the time to fully explore a better location where it can be viewed at ground level and perhaps behind plexiglass. Apparently, at one time, the airplane was going to be displayed at the airport – a building had been designed – but, somehow that fell through. The airport has two hangars, named and dedicated to the two pilots, Jongeward and Woodhouse. The lobby of City Hall is too small for the plane. Viewing it from the first floor, one will only see the bottom. The nose will intrude into the second floor walkway. Displaying the plane in this manner doesn't give it just due. This has been pushed forward rather quickly. She is not suggesting a long delay – perhaps only six weeks – to make sure there's no better place.

Brooks-Gurrola stated she is not convinced all the possibilities have been considered. Placing the plane in City Hall will limit the times people can see it. People should be able to view it in the evenings and on weekends.

Mendoza stated that in talking to members of the community, he found that, even if people actually knew what he was talking about, most were indifferent. The most appropriate place for the plane is the airport, but that is not possible. Other options, such as putting it on the Peaches property near The Landing where the statute is, or constructing a building for it, are equally out of the question. The lobby may not be the best place for the plane, but he will side with the supporters of the idea.

Johnson agreed that the airplane is an important historical relic to the community, but residents can't brag on it if it is disassembled and in storage. Given that, the City Hall lobby is probably the worse place to display it. The airport terminal's ceiling cannot support suspending the plane. Wherever the plane is displayed, it must not be at ground level to avoid potential damage from people touching it. Much of the outer covering of the plane is fabric. The problem was solved at one point, when the State Legislature appropriated funds to build a visitor's center – focusing on the plane – in Yuma just south of the 4th Avenue bridge. However, the State Legislature has since taken that money for its own use. Reluctantly, he has concluded there are no other viable alternatives. Even suspending the plane in the lobby, which would be an improvement, is not structurally possible. The proposed plan is the least of all the bad choices.

Mayor Krieger: Events at the Yuma Civic Center oftentimes use all the lobby space; there's no room in the lobby for the plane. This space should be left to uses that generate revenue for the facility. The proposed display in the lobby will be dramatic and striking from any angle; it will create a real focal point for the lobby. City Hall was paid for by taxpayers. The lobby is underused. City Hall is relatively new and its air handling system makes it conducive to preserving the plane. The building offers a high level of security. Installation will cost the City absolutely nothing because people and contractors have committed their resources to the project. City Hall was built in the Downtown to spur its continued revitalization. Putting the *City of Yuma* in Downtown Yuma will add another point of interest. Any other venue would have limited operating hours – no place would be open all the time for viewing. The proposal gets the plane out of the dark, requires minimal construction and is not a permanent solution. As soon as a better venue becomes available, the plane could easily be relocated.

Motion (Brooks-Gurrola/McClendon): To continue the discussion on the sitting of the *City of Yuma* airplane to the next regularly scheduled City Council meeting (August 4, 2010).

Johnson: There would be no harm in a delay. **Mayor Krieger:** People have been waiting 14 years and the alternatives have been sufficiently explored. Two weeks will not find a better one.

Mendoza: The City has already paid \$2,000 for a study of the lobby's structural capabilities. The airport and the visitor's center are not options. **Stuart** expressed concern that the backers of the proposal might not be willing to finance an alternate display site, should one be found.

Roll call vote: **adopted** 4-3. Stuart, Mendoza, and Mayor Krieger voting Nay.

Wilkinson asked what action the City Council was expecting from staff. **Mayor Krieger** stated that the intent of the motion was to give supporters of the plane and City Councilmembers an opportunity to explore other options. If anything is needed from City staff, he will contact Wilkinson and let him know.

- B.4 Award bid to Eckard Commercial Construction, Inc., Yuma, Arizona, for Public Safety Outdoor Classroom at a total cost of \$184,994.70. (2010000434) (Eng/Admin)

Mayor Krieger declared a conflict of interest on this item as he could be involved in the construction project. He turned the meeting over to Deputy Mayor Johnson.

Motion (Mendoza/Brooks-Gurrola): To approve item B.4 as recommended above. Voice vote: **adopted 7-0.**

Deputy Mayor Johnson returned the meeting to Mayor Krieger.

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- B.15 Authorize the City Administrator to negotiate an agreement with the Yuma Metropolitan Planning Organization to assist with the continuation of Yuma County Area Transit (YCAT) services. The agreement would provide first quarter funding (4 months) in the amount of \$54,376.93. (Admin)

Speaker

Flash Sharrar, 4701 Gila Ridge Road, opined that the cost of this service is too high for a service that is not serving the City properly. The City hasn't fully explored how the money is being spent and the course of the routes. Buses are empty. The condition of the buses is questionable. Who's in charge of YCAT because it owes him money from 2009? **Wilkinson** stated he would provide Sharrar with the appropriate information.

Discussion Highlights

Wilkinson:

- Issues regarding YCAT finances have been ongoing for the last six years.
- YCAT has asked for \$217,507.73 as the City's portion of its budget.
- The City has funded the Yuma Metropolitan Planning Organization's (YMPO) requested allocation this year, using Highway User Revenue Funds (HURF).
 - YMPO provides planning; YCAT constitutes the transit system.
 - HURF funds cannot be used for transit purposes.
- In the past, the City used Local Area Transit Funds (LTAF) to fund YCAT; however, the State has swept those funds into its General Funds, making LTAF no longer available.
- The situation is that the City's budget has been set; it cannot be increased. YCAT's requested funding is not included. If the City wants to fund YCAT, it will have to do so with General Fund money, taken from the Contingency Fund.
 - The Contingency Fund has approximately \$400,000 available for use this fiscal year.
 - The Contingency Fund is intended to provide support in emergency situations; the City should be cautious about taking \$217,500 out of it so early in the year.
- Staff is recommending that the City approve a first-quarter allocation to YCAT in the amount of \$54,376.93 to allow for an independent review of their operations.
 - Issues such as lack of ridership, buses stopping at places that are closed, and routes taking too long, have arisen.

- Since YCAT is a regional transit system, the City is asking the YMPO Board to ask Yuma County to lead the review, with the review committee consisting of representatives of each funding entity.

Johnson:

- Though the budget amount cannot be exceeded, per State law, money within the budget can be reallocated, within certain restrictions.
- Having only \$183,000 in the Contingency Fund – the amount that would be left over if the City approved YCAT's funding request – would put the City in jeopardy.
- A hazardous chemical spill in the 1990's cost the City over \$100,000 for the one event.

Wilkinson responded that he had two concerns: YCAT may need additional operational funding, so they may ask for more. If the City uses Contingency Funds for YCAT and emergencies use all of the remaining Contingency Funds and more, the City would have to cut elsewhere to cover those costs. The City's budget, the sweeping of LTAF funds and the problems with YCAT all came about at the same time, so the City could not take all of that into consideration before adopting the budget. Everyone is aware of how tight the City's budget is. Spending anything extra will impact not only this year, but next year. If the City Council decides to approve YCAT's funding request and allocate it \$217,500, staff will initially take the funding from the Contingency Fund and then work to adjust the budget to cover necessities. There are other unresolved needs, such as police vehicles and fire equipment, some of which has already passed their lifespan.

Stuart asked what would happen to the buses if YCAT shut down. **Wilkinson** surmised that the buses would have to be relocated and getting them back would probably be difficult.

Johnson noted that the item, as listed on the agenda, has a typo, which needs to be taken care of prior to voting on approval.

Motion (Johnson/Mendoza): To amend agenda item B.15 to change all references of "4 months" to "3 months." Voice vote: **adopted** 7-0.

McClendon questioned what would happen if the City approved funding for the first quarter and then cut it off. It's doubtful an operational review could be completed within 3 months. The City would then be responsible for shutting down an operation that the other entities have paid for. **Johnson**: If the City ceased funding after the first quarter, YCAT operations would not cease. YCAT would simply cut back to live within its means by curtailing its operations.

Mayor Krieger:

- The City's contribution will not be the deciding factor is whether YCAT continues to operate.
- The City cut other agencies' budgets and they adjusted their operations to meet the money they had.
- YCAT was not audited from 2004 to 2006 and the audits that have been done thereafter show that YCAT has not corrected any of the problems pinpointed in the audits; the 2009 audit is pending.
 - The YMPO Executive Board is ultimately responsible for YCAT's operation and the fact that there are audits missing is a glaring example of the board's inability to meet basic requirements.

- **Mayor Krieger** recalled that Supervisor Ferguson, representing the Yuma County Board of Supervisors on the YMPO Executive Board, indicated that he had been unable to get YCAT's financial information for years.
- If the City continues to fund YCAT, it will be throwing away good money.
- The City has no money to give YCAT.
- It is dangerous to deplete the Contingency Fund to uselessness.
 - It is not fair to put taxpayers at risk or to hamstring the City Administrator in that way.
- YCAT has been asked to review its operations – routes, usage, et cetera, since January and has not begun to do so; it is doubtful such a review would be completed in the next three months.
- If the City stops funding YCAT, it will force YCAT to become more efficient.
- This operation is sucking the taxpayer dry with empty buses.
 - Probably fewer than 300 City residents use the bus because the routes aren't convenient.
 - To pay \$3 million for less than 300 riders is something he can't do.

Mendoza stated that initially he was a strong supporter of YCAT, as his daughter uses the bus to get to Arizona Western College. However, a number of factors have changed his mind. The question is who's responsible and who will be held accountable? Maybe the best things to do would be to stop the service altogether, hire an outside consultant and start over. Very few people he surveyed actually use the bus system. The City should not spend any more on YCAT; it is losing way too much money.

Motion (Stuart/Johnson): To approve Consent Agenda item B.15 as amended.

Johnson noted that Yuma is fortunate to have a very qualified and hardworking Executive Director now in charge of YCAT; she was hired 11 months ago. She has assembled an excellent staff and has worked tirelessly to straighten things out.

Wilkinson read an e-mail from Beeson, who was listening via telephone and communicating electronically. The main points of his comments follow:

Beeson:

- There is no question the system needs reform; however, requiring such a complex system to be revamped in 90 days seems a near impossible task for the agency.
- A transit needs assessment is in the works.
 - A Department of Transportation grant will provide for a detailed examination of the system and will point out areas of improvement, replacement or elimination.
 - This will take longer than three months.
- YCAT's funding request is for the full amount, not broken down into quarters.
- If the City cuts funding after the first quarter, how will the contractors respond?
- All of the other entities that support YCAT have agreed to the full amount of the increased funding request.
- The only reason for withholding funds is to be able to opt out further on, which will make the City of Yuma solely responsible for the collapse of a system that is in the process of being redesigned.

Roll call vote: **failed** 2-5; Mendoza, Beeson, McClendon, Brooks-Gurrola and Mayor Krieger voting Nay.

Mayor Krieger echoed Johnson's comments; this vote in no way reflects on the current YCAT Executive Director or her staff.

III. RESOLUTION CONSENT AGENDA

Motion (Mendoza/McClendon): To approve the Resolution Consent Agenda as recommended.

Bushong displayed the following titles:

Resolution R2010-42

A resolution of the City Council of the City of Yuma, Arizona, authorizing the execution of an agreement with the State of Arizona for a Transportation Enhancement Grant for the design and construction of a multi-use pathway within the West Wetlands Park
(JPA09-154-1; West Wetlands parkway from 13th to 22nd Avenues) (Eng/Admin)

Resolution R2010-43

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owners of real property located at 1750 East 20th Street and 1636 East 20th Street
(property owners: Donald R and Linda R. Peterson Family Trust and individually, respectively)
(Util/Admin)

Roll call vote: **adopted** 7-0.

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

Motion (McClendon/Mendoza): To adopt the Ordinance Consent Agenda as recommended.

Bushong displayed the following titles:

Ordinance O2010-35

An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Sections 1 and 12, all lying within Township 9 South, Range 23 West of the Gila & Salt River Base & Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Light Industrial District, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto
(Annexation Area A2010-002: Greengate) (DCD/Planning)

Ordinance O2010-36

An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Section 18 of Township 9 South, Range 24 West of the Gila & Salt River Base and Meridian, Yuma County, Arizona, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto
(Annexation Area A2010-003: Humane Society of Yuma) (DCD/Planning)

Roll call vote: **adopted** 7-0.

V. INTRODUCTION OF ORDINANCES – none

VI. PUBLIC HEARINGS

Annexation Area A2010-05: Castle View North – Public hearing to consider the annexation of property located at the northwest corner of Avenue 9E and 24th Street. (CD/Planning)

Mayor Krieger opened the public hearing at 7:04 p.m.

Albers explained that this annexation involves a single property owner who intends to develop a 10-lot, single-family residential subdivision. Pending receipt of signed petitions, staff anticipates bringing forward the formal annexation ordinance on August 18, 2010 for introduction and adoption on September 1, 2010.

There being no City Council discussion or speakers, **Mayor Krieger** closed the public hearing at 7:06 p.m.

Annexation Area A2010-04: Sonic – Public hearing to consider the annexation of property located at the southeast corner of Avenue B and the 30th Street alignment. (CD/Planning)

Mayor Krieger opened the public hearing at 7:06 p.m.

Albers explained that this annexation involves two properties owned by the same owners. The owners intend to develop a Sonic Drive-In at the site. Pending receipt of signed petitions, staff anticipates bringing forward the formal annexation ordinance on August 18, 2010 for introduction and adoption on September 1, 2010.

There being no City Council discussion or speakers, **Mayor Krieger** closed the public hearing at 7:07 p.m.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Brooks-Gurrola/Mendoza): To re-appoint Sandy Anthony to the Building Advisory Board with a term to expire January 31, 2015. Voice vote: **adopted** 7-0.

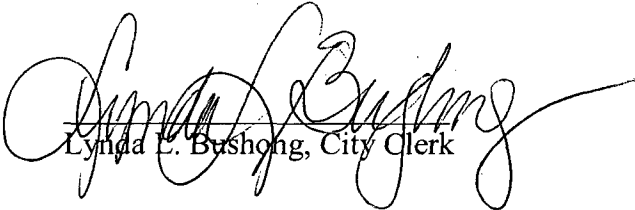
VIII. SUMMARY OF CURRENT EVENTS

Wilkinson announced the following:

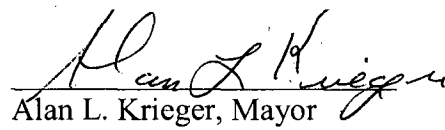
- Presentation of graduation certificates for participants of the Grow Smart Summer Camp will take place at the Yuma Civic Center on July 23, 2010 at noon.
- On 26th, the City's Rocket Science Camp will begin at the North End Community Center.
- On July 23rd, City Parks and Recreation staff will hold a Parent's Night Out, where they will provide inexpensive child care at Clymer Center in the evening.

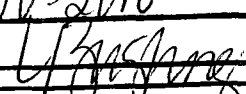
IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Johnson/McClendon): To adjourn to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 7:09 p.m.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

Approved at the City Council Meeting of:
<u>OCT 20-2010</u>
City Clerk: <u></u>